

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WILLIAM. H. SMITH,

Plaintiff,

Case No. 3:09-cv-238

vs.

Judge Thomas M. Rose

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Magistrate Judge Sharon L. Ovington

Defendant.

**ENTRY AND ORDER OVERRULING THE COMMISSIONER'S
OBJECTIONS (Doc. #22) TO THE MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATIONS REGARDING ATTORNEYS' FEES;
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS REGARDING ATTORNEYS' FEES (Doc. #21) IN
ITS ENTIRETY; GRANTING SMITH'S MOTION FOR ATTORNEYS'
FEES IN THE AMOUNT OF \$3,878.53 AND ORDERING THE
COMMISSIONER TO PAY SMITH'S AWARD OF ATTORNEYS' FEES
DIRECTLY TO HIS COUNSEL OF RECORD**

Plaintiff William H. Smith ("Smith") previously obtained a remand of this matter to the Social Security Administration. This case is now before the Court upon a Report and Recommendation that Smith be awarded attorneys' fees in the amount of \$3,878.53 and that this award be paid directly to his Counsel of Record. The Commissioner has objected to this Report and Recommendations and the time has run and Smith has not responded. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Based upon the reasoning

and citations of authority set forth in the Magistrate Judge's Report and Recommendations (doc. #21) and in the Commissioner's Objections to this Report and Recommendations (doc. #22), as well as upon a thorough de novo review of this Court's file, including the Administrative Transcript, and a thorough review of the applicable law, this Court adopts the aforesaid Report and Recommendations in its entirety and, in so doing, awards attorneys' fees to Smith payable to his Counsel of Record. Finally, the Commissioner's Objections to the Magistrate Judge's Report and Recommendations are overruled.

This Court adopts the Report and Recommendations of the United States Magistrate Judge (doc. #21) in its entirety. Smith's Motion for Attorneys' fees is GRANTED and Smith is awarded attorneys' fees in the amount of \$3,878.53. This amount is payable to Smith's Counsel of Record. Finally, the captioned cause remains terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Eleventh Day of April, 2011.

s/Thomas M. Rose

JUDGE THOMAS M. ROSE
UNITED STATES DISTRICT COURT

Copies furnished to: Counsel of Record